

UNITED STATES DISTRICT COURT

for the  
Southern District of Illinois

RONALD BARROW

Plaintiff,

vs.

Wexford Health Sources, Inc.

Dr. Robert Shearing;

Dr. Eric Johnson;

Dr. Christine Lochhead;

Salvador Godinez;

Kimberly Butler

Dr. J. Frost; Gail Walls;

Dr. Baker. Defendant(s).

Case Number: 14-800-NJR

Honorable

Nancy J. Rosenstengel,

District Court Judge

First Amended Complaint

I. JURISDICTION (Also, see Page 6, infra)

Plaintiff:

- A. Plaintiff's mailing address, register number, and present place of confinement. Plaintiff RONALD BARROW ("Plaintiff")  
Reg. No. NS2-087, MENARD CORRECTIONAL  
Center, P.O. Box 1000, MENARD [Randolph  
County] Illinois 62259

Defendant #1:

- B. Defendant Wexford Health Sources, Inc. is employed as  
(a) (Name of First Defendant)

Contract Health Care Provider

(b) (Position/Title)

with Illinois Department of Corrections/ Self

(c) (Employer's Name and Address)

425 Holiday Drive, Foster Plaza Two Pittsburgh PA 15520

At the time the claim(s) alleged this complaint arose, was Defendant #1  
employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Wexford Health  
Sources, Inc ("Wexford") is contracted with Illinois  
Department of Corrections ("IDOC"), engaged in the business  
of providing health care professionals and services to  
Illinois Correctional facilities, including the Menard  
Correctional Center ("Menard")

Defendant #2:

C. Defendant Dr. Robert Shearing is employed as

(Name of Second Defendant)

Site Medical Director MENARD Correctional Center  
(Position/ Title)

with Wexford Health Sources Inc. 425 Holiday  
(Employer's Name and Address)

Drive, Foster Plaza Two, Pitsburgh PA 15220

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If you answer is YES, briefly explain: Defendant Robert Shearing ("Shearing") as site Medical Director at Menard having management and administrative duties and responsibilities at Menard, including Plaintiff's medical treatment and care at Menard: being employed by Wexford

Defendant #3:

D. Defendant Dr. Eric Johnson is employed as

(a) (Name of Defendant)

Site Optometrist MENARD Correctional Center  
(b) (Position/ Title)

with Wexford Health Sources Inc. 425 Holiday  
(c) (Employer's Name and Address)

Drive, Foster Plaza Two, Pitsburgh, PA 15220

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Eric Johnson ("Johnson") as site Optometrist at Menard having the duties and responsibilities at Menard, including Plaintiff's medical eye treatment and care at Menard being employed by Wexford



Defendant # 4:

E. Defendant Dr. Christine Lochhead is employed as

(Name of 4<sup>th</sup> Defendant)

Site Optometrist Menard Correctional Center  
(Position/Title)

with Wexford Health Sources Inc 425 Holiday  
(Employer's Name and Address)

Drive Foster Plaza Two Pittsburgh, PA 15220  
(Menard Correctional Center, P.O. Box 711 Kaskaskia St. Menard, IL 62259)

At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Christine Lochhead ("Lochhead") as site Optometrist at Menard having duties and responsibilities at Menard including Plaintiff's medical eye treatment and care at Menard, being employed by Wexford

Defendant #5:

F. Defendant Salvador Godinez is employed as  
(a) (Name of 5<sup>th</sup> Defendant)

Director - Illinois Department of Corrections  
(b) (Position/Title)

with State of Illinois - IDOC 1301 Concordia  
(c) (Employer's Name and Address)

Count P.O. Box 19278 Springfield, Illinois 62794

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Salvador Godinez ("Godinez") is current Director of IDOC having management and administrative duties and responsibilities for all prisons in Illinois and signed party between IDOC and Wexford's contract

Defendant #6:

G. Defendant Kimberly Butler is employed as(Name of 6<sup>th</sup> Defendant)Chief Administrative Officer - MENARD

(Position/ Title)

with MENARD Correctional Center P.O. Box

(Employer's Name and Address)

711 Kaskaskia Street, Menard Illinois 62259At the time the claim(s) alleged in this complaint arose, was Defendant #2 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Kimberly Butler ("Butler"), is the warden of Menard. She is legally responsible for the operation of Menard and for the welfare of all inmates at Menard, including Plaintiff.

Defendant #7

H. Defendant DR. J. Trost is employed as(a) (Name of 7<sup>th</sup> Defendant)Site Medical Director Menard Correctional Center

(b) (Position/ Title)

with Wexford Health Sources Inc 425 Holiday

(c) (Employer's Name and Address)

Drive Foster Plaza Two P. Hsburgh, PA 15220

(Menard Correctional Center P.O. Box 711 Kaskaskia St. Menard, IL 62259)

At the time the claim(s) alleged this complaint arose, was Defendant #1 employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: DR J Trost ("Trost") as site Medical Director at Menard having management and administrative duties and responsibilities at Menard including Plaintiff's medical treatment and care at Menard, being employed by Wexford



Defendant # 8

I. Defendant Gail Walls is employed as

(Name of 8<sup>th</sup> Defendant)

Director of Nurses, MENARD Correctional Center  
(Position/ Title)

with Wexford Health Sources Inc 425 Holiday  
(Employer's Name and Address)

Drive Foster Plaza Two P. Hsbury PA 15220  
(MENARD Correctional Center, P.O. Box 711 Kiskadee St. E. MENARD, IL 62457)

At the time the claim(s) alleged in this complaint arose, was Defendant #2  
employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Gail Walls  
("Walls") as site Director of Nurses at Menard  
having duties and responsibilities at Menard,  
including Plaintiff's medical care and treatment  
at Menard, being employed by Wexford

Defendant #9

J. Defendant Dr Baker is employed as

(a) (Name of 9<sup>th</sup> Defendant)

Utilization Management Physician  
(b) (Position/ Title)

with Wexford Health Sources Inc 425 Holiday  
(c) (Employer's Name and Address)

Drive Foster Plaza Two P. Hsbury PA 15220

At the time the claim(s) alleged this complaint arose, was Defendant #1  
employed by the state, local, or federal government? ☒ Yes ☐ No

If your answer is YES, briefly explain: Defendant Dr. Baker  
("Baker") as Utilization Management Physician at  
Wexford Health Sources Inc having duties and  
responsibilities for decisions on policy and referral  
for treatment and care of Plaintiff, being employed by  
Wexford

## I. Jurisdiction And Venue

(1). This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under the color of state law, of rights secured under the Constitution and laws of the United States. The Court has jurisdiction under 28 U.S.C. Section 1331 and 1343(a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff's claims for injunctive relief are authorized by 28 U.S.C. Section 2283 and 2284, and Rule 65 of the Federal Rules of Civil Procedure.

(2). Supplemental jurisdiction is conferred upon this Court pursuant to 28 U.S.C. Section 1367.

(3). Venue is proper in this Court under 28 U.S.C. Section 1391(b) because the events that give rise to Plaintiff's claims took place within the Southern District of Illinois.

(4). This Court has authority pursuant to 42 U.S.C. Section 1983 to award appropriate actual, consequential, compensatory, and punitive damages, and has authority under 42 U.S.C. Section 1988 to award attorney fees and cost to successful civil right plaintiffs.



## I.(A) - (J) - Parties

(5). Plaintiff Ronald Barrow, is and was at all times mentioned herein a prisoner of the State of Illinois, in the custody of the Illinois Department of Corrections; currently confined at the Menard Correctional Center, P.O. Box 1000 Menard [Randolph County] Illinois 62259 serving a sentence of Nature Life without the Possibility of Parole, under Reg No WS2087.

(6). Defendant Wexford Health Sources, Inc. is legally responsible for providing health care professionals and services at Menard Correctional Center, acting under the color of state law in violation of Plaintiff's rights under the Constitution and law based on created policy and custom and being sued individually and official capacity

(7). Defendant Robert Shearing is legally responsible as Medical Director at Menard to provide adequate structured of care treatment, acting under the color of state law in violation of Plaintiff's rights under the Constitution and law and being sued individually and his official capacity.

(8). Defendant Eric Johnson  
is legally Responsible As site Optometrist  
at Menard to provide Adequate  
standard of care eye treatment, acting  
under the color of state law in  
violation of Plaintiff's rights under  
the Constitution and law and being sued  
individually and his official capacity.

(9). Defendant Christine Lochner  
is legally responsible as site Optometrist  
at Menard to provide Adequate standard  
of care eye treatment, acting under the  
color of state law in violation of Plaintiff's  
rights under the Constitution and law  
and being sued individually and her  
official capacity

(10). Defendant Salvador Godinez  
is legally Responsible for the overall  
operations of the Illinois Department of Corrections,  
acting under the color of state law in  
violation of Plaintiff's rights under the  
Constitution and law and being sued  
in his official capacity, As IDOC Director

(11). Defendant Kimberly Butler  
is legally Responsible for the overall



operations of the Menard Correctional Center and for the welfare of all inmates at MENARD, acting under the color of state law in violation of Plaintiff's rights under the Constitution and law and being sued in her official capacity, as Warden (i.e. Chief Administrative Officer of Menard)

(12). Defendant Gail Walls is legally responsible as site Director of Nurses at Menard to provide adequate standard of care medical treatment acting under the color of State Law in violation of Plaintiff's rights under the Constitution and law and being sued individually and her official capacity

(13). Defendant Dr Baker is legally responsible as Wexford's Utilization Management Physician to provide adequate standard of care medical treatment, acting under the color of State law in violation of Plaintiff's rights under the Constitution and law and being sued individually and his official capacity.

## II. PREVIOUS LAWSUITS

(14) A. Have you begun any other lawsuits in state or federal court relating to your imprisonment? ☒ Yes ☐ No

B. If your answer to "A" is YES, describe each lawsuit in the space below. If there is more than one lawsuit, you must describe the additional lawsuits on another sheet of paper using the same outline. Failure to comply with this provision may result in summary denial of your complaint.

1. Parties to previous lawsuits: RONALD BARROW, #52087  
Plaintiff, - Claimant  
  
vs  
State of Illinois  
Defendant - Respondent.
2. Court (if federal court, name of the district; if state court, name of the county): Court of Claims of the State of Illinois
3. Docket number: 14-CC-3855
4. Name of Judge to whom case was assigned: no Judge has yet to be assigned, based on information and belief
5. Type of case (for example: Was it a habeas corpus or civil rights action?):
6. Disposition of case (for example: Was the case dismissed? Was it appealed? Is it still pending?):  
Property Damage Claim
7. Approximate date of filing lawsuit: June 11, 2014
8. Approximate date of disposition: Unknown  
Plaintiff granted in Forma Paperis on June 25, 2014  
and no further proceedings have taken place.

#1

Plaintiff's original Complaint stated "no" to Para 13(A) upon belief the Court of Claims was not applicable but since said filing has been advised otherwise, based upon information and belief, Plaintiff's previous Habeas Corpus is not applicable and not listed herein.



### III. GRIEVANCE PROCEDURE

- (14-A) A. Is there a prisoner grievance procedure in the institution? ☒ Yes ☐ No
- B. Did you present the facts relating to your complaint in the prisoner grievance procedure? ☒ Yes ☐ No
- C. If your answer is YES,
1. What steps did you take? Plaintiff complied with all IDOC grievance procedure pursuant to Illinois Administrative Code, Title 20, Section 504.810 et seq.
  2. What was the result? All request relief was denied at Merand (institutional level) and on appeal to the Administrative Review Board. No further remedies are available to Plaintiff.
- D. If your answer is NO, explain why not.  
N/A
- E. If there is no prisoner grievance procedure in the institution, did you complain to prison authorities? N/A ☐ Yes ☐ No
- F. If your answer is YES,
1. What steps did you take? N/A
  2. What was the result? N/A
- G. If your answer is NO, explain why not. N/A
- H. Attach copies of your request for an administrative remedy and any response you received. If you cannot do so, explain why not:  
Copies were attached to original complaint, i.e. 45 Exhibit, totalling 174 pages. This court placed said Exhibit in a file but not docketed. Due to court's concern with the length of plaintiff's original filing, no exhibits are being attached to First Amended Complaint based on said concern and as a matter of law, all facts at this stage must be taken as true, thus attachments being unnecessary at this stage.